

JSR

AUG 11 2008

JERRY Frith #53517-054

F. C. I.

P.O. Box 2000

Fort Dix, NJ 08640

Hon. Debra Freeman

United States District Court

Southern District of New York

500 Pearl Street

New York, New York 10007

August 7, 2008

USDC SDNY
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Re: Frith v. Hill, et al.

07 Civ. 5899 (JSR) (DF)

Your Honor:

I am requesting that the Court extend until October 15, 2008, the time to serve the defendants.

Yesterday, I received a letter in response to my motion for a certificate of default from the AVSA assigned to represent Hill. Attached was a Process receipt filed in the Court. Therefrom, I learned the United States Marshal's attempted service at an address that the ATF has not had an office at for approximately a decade. I also learned that the Process Receipt filed in the court is void on any indication that service was made by leaving a copy ~~and~~ of the summons and complaint with a person of suitable age.

and discretion then residing in Hill's usual place of abode.

This is particularly troublesome, because the yellow Process Receipt I received indicates otherwise, as the check box is marked. In order for me to assure that Hill was properly served an extension is necessary to allow me time to seek the ATF address, an affidavit from the U.S. Marshals affirming that service was made at Hill's usual place of abode and or to effect service properly.

Thank you for your consideration.

Respectfully submitted
 Jerry Truth

Plaintiff's request for an extension of time to serve defendant Hill is granted, for good cause shown. see Fed. R. Civ. P. 46m. Plaintiff may have until October 15, 2008, as requested, to serve this defendant.

SO ORDERED: DATE: 8/20/08

.....*Debra Freeman*.....

DEBRA FREEMAN
 UNITED STATES MAGISTRATE JUDGE

MEMO ENDORSED